

PATENT COOPERATION TREATY

PCT

REC'D 30 AUG 2004

WIPO

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2020714PC/or	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI2003/000513	International filing date (day/month/year) 24-06-2003	Priority date (day/month/year) 24-06-2002
International Patent Classification (IPC) or national classification and IPC A61B 3/14, A61B 3/12, A61B 10/00		
Applicant MEDIMAKER OY LTD ET AL		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 19-01-2004	Date of completion of this report 23-08-2004
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Patrik Blidefalk /LR Telephone No. +46 8 782 25 00

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI2003/000513

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI2003/000513

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-10, 12-20</u>	YES
	Claims	<u>1, 11</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-20</u>	NO
Industrial applicability (IA)	Claims	<u>1-20</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Cited documents

The closest prior art is defined by the following documents, which are cited in the search report:

- (D1) WO 00/71020, A1
- (D2) WO 99/42029, A1
- (D3) EP 1 138 256, A2
- (D4) US 4 266 861, A

Document D1 describes a system and a device for ophthalmoscopy, including a hand-held camera with illuminating means adapted for ophthalmoscopy. The system and device has an image detector and produces an image signal, from which a still image can be grabbed (See page 1, lines 23-33; figure 1).

Document D2 describes a system and a method for imaging the eye, the ear, the throat, etc. The document shows that it is not uncommon to examine a plurality of parts with the same instrument (See page 10, line 25-31 - page 11, line 4).

Documents D3-D4 do not describe the claimed invention, they merely define state of the a

Statement of reasons

The system and device described in document D1, is the closest prior art. The document is silent about the different optical axis for emitting and receiving optical radiation, but in figures 3 and 4 it can be seen that the illuminating means

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

and imaging means are separated. It is also well known in camera technique that the flashlight and the objective are separated from each other to prevent red eyes on the photo. The system of claim 11 is therefore known through D1 and is not new. Document D1 describes a system and a device, when claims 1 and 11 describe a method and a system. However, when the system of claim 11 is known, a person using the system of claim 11 performs the method of claim 1 indirectly. Therefore, also claim 1 lacks novelty.

Claims 2-10 and 12-20 describe performing details of the method defined in claim 1 and constructional details of the system defined in claim 11 as, that the optical axis are parallel and unidirectional, that the camera unit comprises an nose part, how the radiation is illuminating the eye, or that also the ear can be imaged, etc. To examine as well the eye, the ear and the throat with the same instrument is prior art, see e.g. document D2. These performing and constructional details are obvious to a person skilled in the art and do not give rise to any unexpected technical effect. Therefore, the invention of claim 2-10 and 12-20, respectively lacks inventive step.

Thus, the claims 1 and 11 are not new and claims 1-20 lack inventive step.